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**FEDERAL COMMUNICATIONS COMMISSION
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November 4, 1999

Ms. Magalie Roman Salas, Secretary
Office of the Secretary
Federal Communications Commission
445 12th Street, SW, TW-A325
Washington, DC 20554

Re: Truth-in-Billing and Billing Format, CC Docket No 98-170

Dear Ms. Salas:

Enclosed, herein, are an original and six copies of the United States Telephone Association's supportive comments on various waiver petitions filed in the above-referenced matter on behalf of small and mid-size ILECs.

Please contact the undersigned, if you have any questions.

Sincerely,

Lawrence E. Sarjeant
Vice President and Legal Counsel
The United States Telephone Association

Enclosures

cc: All FCC Commissioners
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separated by service provider and that 1-800 contact numbers be provided for each service provider. In that regard, according to the TIB Order, Billing and Collection ILECs must use such treatment on the bill to identify non-carrier charges, casual calls/dial-around calls/alternative service calls and credit card calls. Given the manner in which the industry is evolving and the process using clearinghouses to process such calls (to the extent that calls are involved), USTA members believe that these TIB rule provisions can not be complied with by the November 12, 1999 date. Therefore, USTA files these comments in support of parties that have identified these concerns on behalf of small and mid-size ILECs.

In that regard, USTA believes the FCC should immediately clarify, in a public notice, ILEC obligations in regard to the rule provisions expected to be in effect on November 12th. Such clarification could eliminate confusion as to such obligations. Or, alternatively, based on the Joint Parties Petition and the multiple ILEC waiver petitions that have recently been filed seeking temporary relief of the November 12th rule provisions, USTA urges the Commission to take an expedient waiver approach by granting USTA's July 16th blanket request for relief as sought on behalf of small and mid-size ILECs of the entire TIB Order.

By taking action on USTA's petition for waiver or stay, the Commission can address the small and mid-size ILEC-wide concerns about implementing these provisions and also reach those small and mid-size ILECs that lack the resources to file for individual waivers. Given that small and mid-size company ILECs have, through the various trade associations and by virtue of individual filings, collectively, articulated problems with the remaining TIB rule provisions, USTA believes it is imperative that the Commission take such swift action to spare the industry of the burdens it faces in either having to file individual company waivers or to try to comply

with rules that many in the industry are having difficulty in addressing (for which ILEC obligations may not even attach by virtue of jurisdictional matters).

USTA supports the Commission's efforts to establish broad principles and guidelines for "truth-in-billing," in order to ensure that consumers receive thorough, accurate, and understandable bills from carriers. As the Commission is aware, USTA members worked diligently with the FCC in 1998 to establish anticramming best practices guidelines, which USTA ILEC members adopted and released for voluntary industry use. According to Chairman Kennard, in his opening remarks at the "Advertising and Marketing of Dial-Around and Other Long-Distance Services to Consumers", a November 4, 1999 public forum co-sponsored by the FCC and the Federal Trade Commission, the ILEC industry's adoption of the anticramming best practices has resulted in a decline of cramming in the marketplace.

II. DISCUSSION

Specifically, USTA files in support of the "Joint Petition for Expedited Interim Waiver" filed by The National Exchange Carrier Association, Inc. (NECA), the National Telephone Cooperative Association, Inc. (NTCA), and the Organization for the Promotion and Advancement of Small Telecommunications Companies (OPASTCO) on October 26, 1999 (Joint Parties Petition). The Joint Parties Petition requests a waiver of sections 64.2401(a)(1) and (2), and section 64.2401(d) until April 1, 2000. USTA also supports the temporary limited waiver petitions filed by the law firm of Kraskin, Lesse & Cosson, LLP.³ The Kraskin waiver

³See Petition for Temporary, Limited Waiver filed on behalf of Dunkirk and Fredonia Telephonia Company and its affiliate Cassadaga Telephone Corporation (Oct. 27, 1999); Petition for Temporary, Limited Waiver filed on behalf of Consolidated Telephone Cooperative, Inc. and its affiliate, Consolidated Telcom, Inc. (Oct. 29, 1999); Petition for Temporary, Limited Waiver filed on behalf

petitions seek temporary, limited waivers on behalf of a number of its clients of sections 64.2401(a)(2) until April 1, 2000. Basically, these waivers filed on behalf of small and mid-size ILECs ask for relief from the Commission's TIB Order rules that require action addressing non-carrier billing, casual calls/alternative service provider calls/dial around calls and credit card call treatment.

At USTA's "14th Annual Convergent Billing and Customer Care Conference" held in Kansas City, Missouri from October 27-29, 1999, at least 70 small and mid-size company members attended the regulatory session discussion addressing the TIB Order. USTA also informally polled the members and learned that the consensus both at the forum and through written responses from the companies indicates that the companies can not implement the remaining TIB Order provisions on or before November 12, 1999. Moreover, USTA has learned that its small and mid-size company members may be ill-prepared to file individual waiver requests due to the shortage of time, the cost involved in filing waivers, lack of resources and preoccupation with other regulatory matters, including Y2K.

Consistently, USTA believes that the recent petitions for waiver or stay filed by other parties on behalf of small and mid-size ILECs significantly cries out in credible support for the need for the Commission to immediately issue an order regarding USTA's petition for

of Brazos Telephone Cooperative, Inc. and Brazos Telecommunications, Inc. (Oct. 29, 1999); Petition for Temporary, Limited Waiver filed on behalf of Muenster Telephone Corporation (Oct. 29, 1999); Petition for Temporary, Limited Waiver filed on behalf of Riviera Telephone Company (Oct. 28, 1999); Petition for Temporary, Limited Waiver filed on behalf of New Paris Telephone, Inc. (October 28, 1999); Petition for Temporary, Limited Waiver filed on behalf of Five Area Telephone Cooperative, Inc. (Oct. 28, 1999); and Petition for Temporary, Limited Waiver filed on behalf of The Concord Telephone Company (Oct. 27, 1999).

waiver/stay. On July 16, 1999, USTA filed a petition for expedited waiver/stay, seeking, *inter alia*, a blanket waiver of the TIB Order for small and mid-size companies.⁴ USTA's petition for expedited waiver or stay, which has not been addressed by the Commission, seeks overall and indefinite relief from the TIB Order on behalf of USTA's small and mid-size company members, or at least overall relief until April 1, 2000. Further, USTA believes the order should extend to all small and mid-size ILECs within or outside of USTA.

In the event that the Commission opted against waiving the entire order, USTA had sought a small and mid-size company waiver of the "highlighting of new service provider" rule and the "deniable/non-deniable" service provider rule. While not ruling directly on USTA's pleading, the Commission agreed to defer implementation of these two provisions until April 1, 2000.

Based on the concerns raised by small and mid-size ILEC members, USTA believes an overall indefinite waiver is still warranted for small and mid-size ILECs (additionally because, *inter alia*, the Commission has not yet issued an order concerning its Further Notice in the matter) and urges the Commission to seriously consider this aspect of USTA's July 16th requests.

Notwithstanding USTA's request for indefinite relief of the TIB Order as to small and mid-size ILECs, USTA would acquiesce in relief of the November 12 effective TIB Order provisions until April 1, 2000, as requested by the other parties for which USTA files in support herein, should the Commission opt against an indefinite waiver for small and mid-size ILECs.

⁴Petition by USTA for an Expedited Waiver or Stay filed *In re Truth-in-Billing and Billing Format*, CC Docket No. 98-170 (Jul. 16, 1999) at 8-11.

USTA believes good cause has been shown for the Commission to take consistent action upon these numerous requests for relief on behalf of small and mid-size ILECs; and urges broad, ILEC industry-wide action by virtue of USTA's petition rather than by virtue of a Commission response to individual waivers. In terms of good cause shown, USTA posits that the Commission has already stayed two provisions of the TIB Order until April 1, 2000.⁵

III. CONCLUSION

WHEREFORE, USTA respectfully urges that the Commission take immediate and necessary action either to clarify ILEC obligations under the remaining TIB rule provisions; or to approve USTA's waiver/stay petition for indefinite or temporary relief for all small and mid-size ILECs affected by the November 12, 1999 implementation of the remaining TIB Order provisions.

Respectfully submitted,

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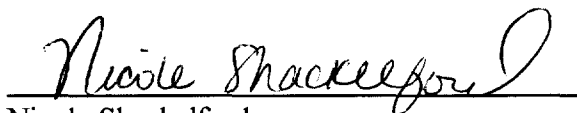
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November 4, 1999

⁵See *supra* note 2.

CERTIFICATE OF SERVICE

I, Nicole Shackelford, do certify that on November 4, 1999, Comments on Various Waiver Petitions Filed on Behalf of Small and Mid-Size ILECs of the United States Telephone Association were either hand-delivered, or deposited in the U.S. Mail, first-class, postage prepaid to the persons on the attached service list.


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